

ESTTA Tracking number: **ESTTA551439**

Filing date: **07/31/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91211296
Party	Defendant Miracle Fruit Oil, LLC
Correspondence Address	MIRACLE FRUIT OIL, LLC MIRACLE FRUIT OIL, LLC 1228 ALTON RD MIAMI BEACH, FL 33139-3810  leorez@bellsouth.net
Submission	Answer
Filer's Name	Matthew H. Swyers
Filer's e-mail	mswyers@thetrademarkcompany.com
Signature	/Matthew H. Swyers/
Date	07/31/2013
Attachments	Answer 91211296.pdf(97129 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**The Trademark Trial and Appeal Board**

Serial No. 85/733,971

For the mark FRUITYLUSHUS and Design: 

Cosmetic Warriors Limited

Opposer,

vs.

Miracle Fruit Oil, LLC,

Applicant.

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Opposition No.: 91211296

**ANSWER AND GROUNDS OF DEFENSE**

COMES NOW the Applicant, Miracle Fruit Oil, LLC (hereinafter “Applicant”), by and through counsel, The Trademark Company, PLLC, and files its Answer and Grounds of Defense to the Notice of Opposition and in response to Opposer’s allegations states as follows:

**ANSWER**

Applicant is without knowledge of the allegations set forth in the Introductory Paragraph of the Notice of Opposition and therefore denies the same. In response to the specifically enumerated allegations, the Applicant states as follows:

1. Applicant admits to the allegations set forth in Paragraph 1 of the Notice of Opposition.
2. Applicant is without knowledge of the allegations set forth in Paragraph 2 of the Notice of Opposition and therefore denies the same.
3. Applicant denies the allegations set forth in Paragraph 3 of the Notice of Opposition as phrased and demands strict proof thereof.
4. Applicant denies the allegations set forth in Paragraph 4 of the Notice of Opposition as phrased and demands strict proof thereof.

5. Applicant is without knowledge of the allegations set forth in Paragraph 5 of the Notice of Opposition and therefore denies the same.

6. Applicant is without knowledge of the allegations set forth in Paragraph 6 of the Notice of Opposition and therefore denies the same.

7. Applicant denies the allegations set forth in Paragraph 7 of the Notice of Opposition as phrased and demands strict proof thereof.

8. Applicant is without knowledge of the allegations set forth in Paragraph 8 of the Notice of Opposition and therefore denies the same.

9. Applicant denies the allegations set forth in Paragraph 9 of the Notice of Opposition and demands strict proof thereof.

10. Applicant denies the allegations set forth in Paragraph 10 of the Notice of Opposition and demands strict proof thereof.

11. Applicant denies the allegations set forth in Paragraph 11 of the Notice of Opposition and demands strict proof thereof.

12. Applicant denies the allegations set forth in Paragraph 12 of the Notice of Opposition and demands strict proof thereof.

13. Applicant denies the allegations set forth in Paragraph 13 of the Notice of Opposition as phrased and demands strict proof thereof.

14. Applicant denies the allegations set forth in Paragraph 14 of the Notice of Opposition and demands strict proof thereof.

15. Applicant denies the allegations set forth in Paragraph 15 of the Notice of Opposition and demands strict proof thereof.

16. Applicant denies the allegations set forth in Paragraph 16 of the Notice of Opposition as phrased and demands strict proof thereof.

17. Applicant denies the allegations set forth in Paragraph 17 of the Notice of Opposition and demands strict proof thereof.

18. Applicant denies the allegations set forth in Paragraph 18 of the Notice of Opposition and demands strict proof thereof.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed.

Respectfully submitted this 31<sup>st</sup> day of July 2013.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/

Matthew H. Swyers, Esq.

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Counsel for Applicant

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**The Trademark Trial and Appeal Board**

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Miracle Fruit Oil, LLC,

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Applicant.

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I caused a copy of the foregoing this 31st day of July 2013, to be served, via first class mail, postage prepaid, upon:

John A. Clifford  
Merchant & Gould PC  
PO Box 2910  
Minneapolis, MN 55402-9944

/Matthew H. Swyers/  
Matthew H. Swyers